

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GREGORY L. SPUNG,

Plaintiff,

vs.

JOSEPH PACO JAMES RODRIQUEZ,

Defendant.

8:22CV43

ORDER

This matter is before the Court on the defendant's motion to dismiss, [Filing No. 10](#), the defendant's motion to strike, [Filing No. 21](#), the plaintiff's final motion to file an amended complaint, [Filing No. 23](#), and supplemental motion to amend amended complaint, [Filing No. 24](#). In his *pro se* second amended complaint, the plaintiff raises claims related to the termination of his employment.

After the defendant moved to dismiss his amended complaint, the plaintiff filed a second amended complaint without leave of Court. The defendant moves to strike the second amended complaint and also asserts that the plaintiff's second amended complaint does not cure the defects of the amended complaint.

In the interest of justice, the Court will allow the plaintiff to file his second amended complaint. The filing of the second amended complaint renders the defendant's motion to dismiss moot. The defendant's motion to strike is also moot. Accordingly,

IT IS ORDERED:

1. The defendant's the defendant's motion to dismiss, ([Filing No. 10](#)) is denied as moot, without prejudice to reassertion.
2. The defendant's motion to strike ([Filing No. 21](#)) is denied as moot.

3. The plaintiff's motions to amend (Filing Nos. 23 and 24) are granted.
4. The plaintiff's second amended complaint ([Filing No. 12](#)) is deemed filed this date.
5. The defendant shall answer or otherwise respond to the plaintiff's second amended complaint within 21 days of the date of this order.
6. Additionally, the Court is not inclined to entertain any more amended pleadings.

Dated this 15th day of March, 2022.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge